

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Jason Demko

v.

Case No. 23-cv-147-SE

FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Endorsed Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated September 21, 2023. For the reasons explained therein, I dismiss the petition as moot and deny the respondent's motion for summary judgment (Doc. No. 5) as moot.

The Clerk should then enter judgment and close the case.

“'[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'”

School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).



Samantha D. Elliott
United States District Judge

Date: October 17, 2023

cc: Jason Demko, pro se
Counsel of Record